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Joseph M. Cannon

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Docket Administrator Agere Systems Inc.

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EXAMINER

DANIEL JR, WILLIE J

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/880,151	Applicant(s) CANNON ET AL.	
	Examiner Willie J. Dániel, Jr.	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,23,31,33-37 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,23,31,33-37 and 39-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 29 January 2007. **Claims 1, 5-7, 23, 31, 33-37, and 39-45** are now pending in the present application and claims **2-4, 8-22, 24-30, 32, and 38** are canceled. This office action is made **Final**.

Claim Objections

2. **Claim 6** is objected to because of the following informalities:
 - a. Claim 6 is improperly labeled as "**Currently Amended**" and the claim does not include any mark-up and/or amended language. The Examiner interprets the claim as --Previously Presented-- and suggests clarifying the claim status.

Appropriate correction is required.

3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by **Inagami (US 4,884,294)**.

Regarding **claim 1**, Inagami discloses cordless telephone (see col. 3, lines 55-61; col. 1, lines 9-13; Figs. 2-4), comprising:

a base unit (5), including a push button switch (PAGE PBS) which reads on the claimed “paging mechanism” (see col. 3, lines 55-61; col. 4, lines 2-4; Figs. 2-4); and

a handset (1), including a discrimination sound generation circuit (combination of 20, 31, 32) which reads on the claimed “alerting mechanism” responsive to the paging mechanism (PAGE PBS) (see col. 3, lines 55-61; col. 4, lines 35-37; Figs. 3-4),

wherein the paging mechanism (PAGE PBS) and alerting mechanism (combination of 20, 31, 32) are for use in locating a missing handset (1) (see col. 5, line 65 - col. 6, line 3; col. 7, lines 1-4; Figs. 3-4), where the paging sound level is high for a user to hear the handset (1) in which for use in locating a missing handset is inherent as the user is able to hear the paging sound of the handset (1) from a distance as evidenced by the fact that one of ordinary skill in the art would clearly recognize, and

wherein at least one of the base unit (5) and the handset (1) includes a sound controller (20) which reads on the claimed “page adjusting mechanism” to affect a characteristic (e.g.,

Art Unit: 2617

sound level or sound pattern) of a page alerting signal output from the alerting mechanism (combination of 20, 31, 32) based on a condition (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4,48-50), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset.

Regarding **claim 6**, Inagami discloses cordless telephone (see col. 3, lines 55-61; col. 1, lines 9-13; Figs. 2-4), comprising:

a base unit (5), including a push button switch (PAGE PBS) which reads on the claimed “paging mechanism” (see col. 3, lines 55-61; col. 4, lines 2-4; Figs. 2-4); and

a handset (1), including a discrimination sound generation circuit (combination of 20, 31, 32) which reads on the claimed “alerting mechanism” responsive to the paging mechanism (PAGE PBS) (see col. 3, lines 55-61; col. 4, lines 35-37; Figs. 3-4),

wherein the paging mechanism (PAGE PBS) and alerting mechanism (combination of 20, 31, 32) are for use in locating a missing handset (1) (see col. 5, line 65 - col. 6, line 3; col. 7, lines 1-4; Figs. 3-4), where the paging sound level is high for a user to hear the handset (1) in which for use in locating a missing handset is inherent as the user is able to hear the paging sound of the handset (1) from a distance as evidenced by the fact that one of ordinary skill in the art would clearly recognize, and

at least one of the base unit (5) and the handset (1) includes a sound controller (20) which reads on the claimed “page adjusting mechanism” to affect a characteristic (e.g., sound level or sound pattern) of a page alerting signal output from the alerting mechanism (combination of 20, 31, 32) based on a condition (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4,48-50),

where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset, and

wherein the adjusting mechanism (20) affects the alerting signal to have a volume based on an estimate of the distance between the base unit (5) and the handset (1) (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset.

Regarding **claim 7**, Inagami discloses cordless telephone (see col. 3, lines 55-61; col. 1, lines 9-13; Figs. 2-4), comprising:

a base unit (5), including a push button switch (PAGE PBS) which reads on the claimed “paging mechanism” (see col. 3, lines 55-61; col. 4, lines 2-4; Figs. 2-4); and

a handset (1), including a discrimination sound generation circuit (combination of 20, 31, 32) which reads on the claimed “alerting mechanism” responsive to the paging mechanism (PAGE PBS) (see col. 3, lines 55-61; col. 4, lines 35-37; Figs. 3-4),

wherein the paging mechanism (PAGE PBS) and alerting mechanism (combination of 20, 31, 32) are for use in locating a missing handset (1) (see col. 5, line 65 - col. 6, line 3; col. 7, lines 1-4; Figs. 3-4), where the paging sound level is high for a user to hear the handset (1) in which for use in locating a missing handset is inherent as the user is able to hear the paging sound of the handset (1) from a distance as evidenced by the fact that one of ordinary skill in the art would clearly recognize, and

wherein at least one of the base unit (5) and the handset (1) includes a sound controller (20) which reads on the claimed “page adjusting mechanism” to affect a characteristic (e.g.,

Art Unit: 2617

sound level or sound pattern) of a page alerting signal output from the alerting mechanism (combination of 20, 31, 32) based on a condition (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4, 48-50), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset, and

wherein the adjusting mechanism (20) affects the alerting signal to have a particular tonal quality (e.g., sound pattern) based on an estimate of the distance between the base unit (5) and the handset (1) (see col. 7, lines 1-4, 48-50; col. 5, line 54 - col. 6, line 6), where the sound generator can generate sound patterns and sound levels that are affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 31 is rejected under 35 U.S.C. 102(e) as being anticipated by **Ohayon (US 5,952,918)**.

Regarding **claim 31**, Ohayon discloses a method of affecting an alerting signal (e.g., recovery signal) of a telephone handset (18, 20) (see col. 2, lines 22-36; Fig. 4C), comprising the steps of:

Art Unit: 2617

paging the telephone handset (18, 20) via the alerting signal (e.g., recovery signal) (see col. 2, lines 22-36; Fig. 4C);

sensing a condition related to a location of the handset (18, 20) (see col. 2, lines 22-36; col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30; Fig. 4C), where conditions are such as darkened room or low light environment; and

affecting a characteristic of the alerting signal (e.g., recovery signal) based on the sensed condition (see col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30),

wherein the location is sensed relative to a corresponding base unit (17, 19) (see col. 2, lines 22-36, 44-48; Fig. 4C).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inagami (US 4,884,294)** in view of **Tozawa et al. (hereinafter Tozawa) (US 5,198,800)**.

Regarding **claim 5**, Inagami discloses cordless telephone (see col. 3, lines 55-61; col. 1, lines 9-13; Figs. 2-4), comprising:

a base unit (5), including a push button switch (PAGE PBS) which reads on the claimed "paging mechanism" (see col. 3, lines 55-61; col. 4, lines 2-4; Figs. 2-4); and

Art Unit: 2617

a handset (1), including a discrimination sound generation circuit (combination of 20, 31, 32) which reads on the claimed “alerting mechanism” responsive to the paging mechanism (PAGE PBS) (see col. 3, lines 55-61; col. 4, lines 35-37; Figs. 3-4),

wherein the paging mechanism (PAGE PBS) and alerting mechanism (combination of 20, 31, 32) are for use in locating a missing handset (1) (see col. 5, line 65 - col. 6, line 3; col. 7, lines 1-4; Figs. 3-4), where the paging sound level is high for a user to hear the handset (1) in which for use in locating a missing handset is inherent as the user is able to hear the paging sound of the handset (1) from a distance as evidenced by the fact that one of ordinary skill in the art would clearly recognize, and

wherein at least one of the base unit (5) and the handset (1) includes a sound controller (20) which reads on the claimed “page adjusting mechanism” to affect a characteristic (e.g., sound level) of a page alerting signal output from the alerting mechanism (combination of 20, 31, 32) based on a condition (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset, and

wherein the adjusting mechanism (20) affects the alerting signal between the base unit (5) and the handset (1) (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset. Inagami does not specifically disclose having the feature alerting signal to have a duration based on an estimate of the distance. However, the examiner maintains that the feature alerting signal to have a

Art Unit: 2617

duration based on an estimate of the distance was well known in the art, as taught by Tozawa.

In the same field of endeavor, Tozawa discloses the feature alerting signal (e.g., alarm sound) to have a duration (e.g., time interval) based on an estimate of the distance (see col. 4, lines 29-36), where the transceivers have an alarm sound that is a short time interval for short distances and long time interval for long distances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Inagami and Tozawa to have the feature alerting signal to have a duration based on an estimate of the distance, in order to have an alarm sound that varies depending on position, as taught by Tozawa (see col. 4, line 21).

Claims 23 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inagami (US 4,884,294)** in view of **Dennerlein et al. (hereinafter Dennerlein) (US 5,117,504)**.

Regarding **claim 23**, Inagami discloses a method of affecting an alerting signal of a telephone handset (1) (see col. 3, lines 55-61; col. 1, lines 9-13; Figs. 2-4), comprising the steps of:

sensing a condition related to a location of the handset (1) (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4, 48-50), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset; and

affecting a characteristic (e.g., sound level or sound pattern) of the alerting signal based on the sensed condition (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-50), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset. Inagami does not specifically disclose having the feature wherein the sensed condition is a signal delay measurement. However, the examiner maintains that the feature wherein the sensed condition is a signal delay measurement was well known in the art, as taught by Dennerlein.

In the same field of endeavor, Dennerlein discloses the feature wherein the sensed condition is a signal delay measurement (see col. 1, lines 20-33), where the distance is computed between the stationary radio station (e.g., base unit) and the mobile radio telephone set.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Inagami and Dennerlein to have the feature wherein the sensed condition is a signal delay measurement, in order to compute the distance from the signal delay, as taught by Dennerlein (see col. 1, lines 31-35).

Regarding **claim 39**, Inagami discloses every limitation claimed as applied above in claim 23. Inagami does not specifically disclose having the feature wherein the condition is a delay measurement related to a signal from a wireless transceiver. However, the examiner maintains that the feature wherein the condition is a delay measurement related to a signal from a wireless transceiver was well known in the art, as taught by Dennerlein.

Dennerlein further discloses the feature wherein the condition is a delay measurement related to a signal from a mobile radio telephone set which reads on the claimed “wireless transceiver” (see col. 1, lines 20-33,57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Inagami and Dennerlein to have the feature wherein the condition is a delay measurement related to a signal from a wireless transceiver, in order to compute the distance from the signal delay, as taught by Dennerlein (see col. 1, lines 31-35).

Regarding **claim 40**, the combination of Inagami and Dennerlein discloses every limitation claimed, as applied above (see claim 39), in addition Inagami further discloses a method as recited in claim 39, wherein the wireless transceiver is part of a base unit (5) associated with the handset (1) (see Figs. 2-4).

Regarding **claim 41**, the combination of Inagami and Dennerlein discloses every limitation claimed, as applied above (see claim 39), in addition Inagami further discloses a method as recited in claim 40, wherein the base unit (5) is a cordless telephone base unit (see col. 3, lines 55-61; Figs. 2-4).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohayon (US 5,952,918)** in view of **Benvenuti (US 6,166,652)**.

Regarding **claim 33**, Ohayon discloses a method of affecting an alerting signal (e.g., recovery signal) of a telephone handset (18, 20) (see col. 2, lines 22-36; Fig. 4C), comprising the steps of:

paging the telephone handset (18, 20) via the alerting signal (e.g., recovery signal) (see col. 2, lines 22-36; Fig. 4C);

sensing a condition related to a location of the handset (18, 20) (see col. 2, lines 22-36; col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30; Fig. 4C), where conditions are such as darkened room, low light environment, stress, or emergency; and

affecting a characteristic of the alerting signal (e.g., recovery signal) based on the sensed condition (see col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30). As a note, Ohayon further discloses having sound signals such as beeping, buzzing, and/or musical sounds. Ohayon does not specifically disclose having the feature wherein the characteristic is one of duration and tonal quality. However, the examiner maintains that the feature wherein the characteristic is one of duration and tonal quality was well known in the art, as taught by Benvenuti.

In the same field of endeavor, Benvenuti discloses the feature wherein the characteristic is one of duration and tonal quality (see col. 3, lines 35-41,49-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ohayon and Benvenuti to have the feature wherein the characteristic is one of duration and tonal quality, in order to have a system and method for locating misplaced items with large activation range, distinct activation signal, and effective differentiation between signals, as taught by Benvenuti (see col. 1, lines 29-34).

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohayon (US 5,952,918)** in view of **Hardouin (EP 0876040 A1)**.

Regarding **claim 34**, Ohayon discloses a method of affecting an alerting signal (e.g., recovery signal) of a telephone handset (18, 20) (see col. 2, lines 22-36; Fig. 4C), comprising the steps of:

paging the telephone handset (18, 20) via the alerting signal (e.g., recovery signal) (see col. 2, lines 22-36; Fig. 4C);

sensing a condition related to a location of the handset (18, 20) (see col. 2, lines 22-36; col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30; Fig. 4C), where conditions are such as darkened room, low light environment, stress, or emergency; and

affecting a characteristic of the alerting signal (e.g., recovery signal) based on the sensed condition (see col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30). As a note, Ohayon further discloses having sound signals such as beeping, buzzing, and/or musical sounds. Ohayon does not specifically disclose having the feature wherein the condition is a received signal strength indication. However, the examiner maintains that the feature wherein the condition is a received signal strength indication was well known in the art, as taught by Hardouin.

In the same field of endeavor, Hardouin discloses the feature wherein the condition is a received signal strength indication (see col. 3, lines 22-44), where the ringer and audio volumes are adjusted according to signal strength.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ohayon and Hardouin to have the feature wherein the condition is a received signal strength indication, in order to

automatically adjust the ringer and voice volumes, as taught by Hardouin (see col. 1, lines 29-34).

Regarding **claim 35**, Ohayon discloses every limitation claimed as applied above in claim 34. Ohayon does not specifically disclose having the feature wherein the condition is a received signal strength indication from a wireless transceiver. However, the examiner maintains that the feature wherein the condition is a received signal strength indication from a wireless transceiver was well known in the art, as taught by Hardouin.

Hardouin further discloses the feature wherein the condition is a received signal strength indication from a wireless transceiver (see col. 3, lines 22-44), where the ringer and audio volumes are adjusted according to signal strength.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ohayon and Hardouin to have the feature wherein the condition is a received signal strength indication from a wireless transceiver, in order to automatically adjust the ringer and voice volumes, as taught by Hardouin (see col. 1, lines 29-34).

Regarding **claim 36**, the combination of Ohayon and Hardouin discloses every limitation claimed, as applied above (see claim 39), in addition Ohayon further discloses a method as recited in claim 35, wherein the wireless transceiver is part of a base unit (17, 19) associated with the handset (18, 20) (see col. 2, lines 22-47; Fig. 4C).

Regarding **claim 37**, the combination of Ohayon and Hardouin discloses every limitation claimed, as applied above (see claim 39), in addition Ohayon further discloses a

Art Unit: 2617

method as recited in claim 36, wherein the base unit (17, 19) is a cordless telephone base unit (see col. 2, lines 22-47; Fig. 4C).

Claims 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inagami (US 4,884,294)** in view of **Alvarez et al. (hereinafter Alvarez) (US 5,805,667)**.

Regarding **claim 42**, Inagami discloses a method of affecting an alerting signal of a telephone handset (1) (see col. 3, lines 55-61; col. 1, lines 9-13; Figs. 2-4), comprising the steps of:

sensing a condition related to a location of the handset (1) (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-4, 48-50), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset; and

affecting a characteristic (e.g., sound level or sound pattern) of the alerting signal based on the sensed condition (see col. 5, line 54 - col. 6, line 6; col. 7, lines 1-50), where the sound level is affected by conditions such as whether or not the user is talking into handset or holding handset, or based on distance between the user and the handset. Inagami does not specifically disclose having the feature wherein the condition is an error related measurement. However, the examiner maintains that the feature wherein the condition is an error related measurement was well known in the art, as taught by Alvarez.

In the same field of endeavor, Alvarez discloses the feature wherein the condition is an error related measurement (see col. 3, lines 1-15, 51-55; col. 6, lines 15-38; col. 6, line 65 - col. 7, line 13; Figs. 2-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Inagami and Alvarez to have the feature wherein the condition is an error related measurement, in order to have a distance-simulator that simulates the effects of physically separating first and second portions of a cordless communication device, as taught by Alvarez (see col. 2, lines 35-39).

Regarding **claim 43**, Inagami discloses every limitation claimed as applied above in claim 42. Inagami does not specifically disclose having the feature wherein the condition is an error related measurement related to a signal from a wireless transceiver. However, the examiner maintains that the feature wherein the condition is an error related measurement related to a signal from a wireless transceiver was well known in the art, as taught by Alvarez.

Alvarez further discloses the feature wherein the condition is an error related measurement related to a signal from a mobile radio telephone set which reads on the claimed "wireless transceiver" (see col. 3, lines 1-15, 51-55; col. 6, lines 15-38; col. 6, line 65 - col. 7, line 13; Figs. 2-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Inagami and Alvarez to have the feature wherein the condition is an error related measurement related to a signal from a wireless transceiver, in order to have a distance-simulator that simulates the effects of physically separating first and second portions of a cordless communication device, as taught by Alvarez (see col. 2, lines 35-39).

Art Unit: 2617

Regarding **claim 44**, the combination of Inagami and Alvarez discloses every limitation claimed, as applied above (see claim 43), in addition Inagami further discloses a method as recited in claim 39, wherein the wireless transceiver is part of a base unit (5) associated with the handset (1) (see Figs. 2-4).

Regarding **claim 45**, the combination of Inagami and Alvarez discloses every limitation claimed, as applied above (see claim 44), in addition Inagami further discloses a method as recited in claim 40, wherein the base unit (5) is a cordless telephone base unit (see col. 3, lines 55-61; Figs. 2-4).

Response to Arguments

7. Applicant's arguments filed 29 January 2007 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims and comments in this section).

8. Regarding applicant's argument of claims 1 and 6-7 on pg. 7, 7th paragraph, "...does not describe the function of the paging...does not disclose a paging mechanism for use in locating a missing handset...", the Examiner respectfully disagrees. Applicant has failed to appreciate the teachings of well-known prior art Inagami that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Inagami discloses the feature(s) wherein the paging mechanism (PAGE PBS) and alerting mechanism (combination of 20, 31, 32) are for use in locating a missing handset (1) (see col. 5, line 65 - col. 6, line 3; col. 7, lines 1-4; Figs. 3-4), where the paging sound level is high for a user to hear the handset (1) in which for use in locating a missing handset is inherent as the user is able to hear the paging sound of the handset (1) from a distance as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

9. Regarding applicant's argument on pg. 8, 1st full paragraph, "...support of the assertions of inherency...", the Examiner respectfully indicates that support has been provided. The Examiner suggests that applicant review previously submitted well known prior art reference Ohayon (see abstract; col. 2, lines 22-36; col. 2, line 62 - col. 3, line 4; col.

Art Unit: 2617

3, lines 5-30; Fig. 4C). One of ordinary skill in the art would clearly recognize the function of locating and recovering is taught by Inagami which is a common feature of cordless base communication systems. For example, Inagami discloses how sound level is high when the user is at distance from handset which allows the user to hear the ringer from afar to locate the handset.

Regarding applicant's argument of claim 31 on pg. 9, 1st paragraph, "...no disclosure of sensing a condition related to a location of the handset affecting a characteristic of the alerting signal based on the sensed condition...", the Examiner respectfully disagrees.

Applicant has failed to appreciate the teachings of well-known prior art Inagami that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Ohayon discloses the feature(s) sensing a condition related to a location of the handset (18, 20) (see col. 2, lines 22-36; col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30; Fig. 4C), where conditions are such as darkened room or low light environment; and affecting a characteristic of the alerting signal (e.g., recovery signal) based on the sensed condition (see col. 2, line 62 - col. 3, line 4; col. 3, lines 5-30), wherein the location is sensed relative to a corresponding base unit (17, 19) (see col. 2, lines 22-36, 44-48; Fig. 4C). Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 2617

Regarding applicant's argument(s) of claims 5, 23, 33-37, and 39-45, the claims are addressed for the same reasons as set forth above and as applied above in each claim rejection. Applicant has failed to appreciate the combined teachings of well-known prior art (i.e., applied references) that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR

09 November 2007



CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER